

<p>CITY OF SAN JOSÉ, CALIFORNIA Department of Planning, Building and Code Enforcement 801 North First Street, Room 400 San José, California 95110-1795</p> <h2 style="margin-top: 100px;">STAFF REPORT</h2>	Hearing Date/Agenda Number P.C. 7/24/02 Item: 4g.
	File Number PDC01-10-095
	Application Type Planned Development Rezoning
	Council District 3
	Planning Area Central
	Assessor's Parcel Number(s) 472-13-016, -104, -107

PROJECT DESCRIPTION	Completed by: John Davidson
Location: Northeast corner of S. Tenth and Keyes Streets	
Gross Acreage: 0.69	Net Acreage: 0.69
Net Density: N/A	
Existing Zoning: CN Commercial, R-2 Residence	Existing Use: 6,100 square-foot market
Proposed Zoning: A(PD) Planned Development	Proposed Use: 4,110 square-foot addition to the shopping area of an existing market, along with 10,100 square feet of new storage area.

GENERAL PLAN	Completed by: JED
Land Use/Transportation Diagram Designation General Commercial and Medium High Density Residential (12-25 DU/AC)	Project Conformance: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING	Completed by: JED
North: Residential	R-2 Residence
East: Residential	CN Neighborhood Commercial
South: Commercial	CN Neighborhood Commercial
West: Commercial	CN Neighborhood Commercial

ENVIRONMENTAL STATUS	Completed by: JED
<input type="checkbox"/> Environmental Impact Report found complete <input type="checkbox"/> Negative Declaration circulated on <input type="checkbox"/> Negative Declaration adopted on	<input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Environmental Review Incomplete

FILE HISTORY	Completed by: JED
Annexation Title: Original City	Date: March 27, 1850

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION		
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> Uphold Director's Decision	Date: _____	Approved by: _____ <input type="checkbox"/> Action <input checked="" type="checkbox"/> Recommendation

OWNER	APPLICANT/APELLANT
T & T Property, Inc. 455 Keyes Street San Jose, CA 95112	Archana Jain, Sal Caruso Design 1475 Washington Street Santa Clara, CA 95050

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: JED

Department of Public Works

See attached memo.

Other Departments and Agencies

See attached memos from Fire, Police, and Environmental Services Departments

GENERAL CORRESPONDENCE

None Received

ANALYSIS AND RECOMMENDATIONS**BACKGROUND**

The owner of Thien Thanh Market is proposing a Planned Development Rezoning from CN Commercial and R-2 Residence District to A (PD) Planned Development to allow for a 4,110 square-foot addition to the shopping area of an existing 6,100 square-foot market, along with a 10,100 square-foot storage area, on a 0.69 gross acre site located at the northeast corner of S. Tenth and Keyes Streets. The total building area allowed by this rezoning would be approximately 20,300 square-feet.

The proposed Planned Development (PD) rezoning requires parking for the shopping area in conformance per the Zoning Ordinance standards. However, a primary reason for the proposed PD zoning is to limit the use of the proposed storage area to account for the fact that no parking is provided for that floor area. The proposed building would be two stories in height with the proposed storage space occupying the second floor. Through the PD Zoning process, the use of the 2nd floor can be limited to storage only and allow a reduction in required parking.

The site is surrounded by commercial uses to the west and south, with single-family and duplex residential uses to the north and east. The site is accessed by driveways on both S. Tenth and Keyes Streets, and is within the Spartan-Keyes Strong Neighborhood Initiative Area.

As a part of the proposed development, the two houses on either side of the existing market would be demolished to make room for the required parking and the proposed market expansion. The three parcels will have to be merged through either a parcel map or lot line adjustment as a part of the overall development of the site.

ENVIRONMENTAL REVIEW

Under Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, the project is exempt from environmental review in that this is the expansion of an existing facility with and the physical expansion will result in minor intensification of the use.

The two residential structures proposed for demolition, as well as the market proposed for expansion, were evaluated for historic significance and were deemed to be ineligible for the National Register or California

Register of Historic Places, or for the City of San Jose Historic Resources Inventory. Therefore, demolition of these two structures and alteration of the market will not result in a significant environmental impact.

GENERAL PLAN CONFORMANCE

Along Keyes Street, the proposed use is consistent with the San Jose 2020 General Plan Land Use/Transportation Diagram designation of General Commercial. The proposed development would also incorporate a parcel of land directly to the north of the existing market that has the General Plan designation of Medium High Density Residential (12-25 dwelling units/acre). This part of the site will be used for parking; no structures will be built on this part of the property. General Plan policies allow commercial parking, but not commercial land use, on residentially designated parcels when the parking is designed and situated to be compatible with surrounding and adjacent residential land uses.

ANALYSIS

The project analysis includes discussion of the project description, proposed development standards and regulations, parking requirements, outdoor seating, demolition of existing structures, and land subdivision issues.

Project Description

The project proposes an addition to the existing single-story market. The proposed expansion would include a 4,110 square-foot first floor expansion, and addition of a 10,100 square-foot second story for storage purposes. The façade of the existing building would be remodeled to be more consciously Asian in style. Forty-three parking spaces will be provided for the shopping area, per Zoning Ordinance retail requirements of one space per 200 sq. ft., save that no parking will be provided for the second floor storage area, as described below in more detail. The parking areas will be accessed from driveways on both S. Tenth and Keyes Streets.

The height of the proposed building will be 34'7", which is less than the 35' maximum allowed in the CP Pedestrian Commercial Zoning District. Setbacks will follow the existing building walls, which are currently 27' from Keyes Street, and 56' from S. Tenth Street. In the event that the existing market is demolished and the property redevelops, any new buildings will be required to conform to the CP Pedestrian Commercial District standards and regulations.

Per the Commercial Design Guidelines, trash enclosures would be located next to the supermarket and away from neighboring residences. A 6' masonry wall will be constructed along the north and east property lines in order to provide an appropriate buffer with neighboring residences. Appropriate edge and setback landscaping will also be installed per the Commercial Design Guidelines. Shopping cart storage areas and parking lot lighting will also be provided. Site design details along with project-specific performance standards, such as hours of operation and allowable delivery times will be handled as a part of the Planned Development Permit process. The Director of Planning, following a noticed public hearing, approves the Planned Development Permit.

Development Standards and Implications

The purpose of this Planned Development Zoning request is to allow for expansion of an existing market,

recognizing both the applicants' need for additional storage for the market, and the constrained nature of the site with the existing building. The rezoning allows the property owner to make an addition to the existing building and construct additional storage area, while providing parking appropriate to the floor area of the market use. The Planned Development Rezoning process addresses use issues, building envelopes and setbacks, while the PD permit addresses site design details and operational issues, as previously stated.

The main reason for this Planned Development Rezoning is to provide the existing market additional storage space without providing the parking that would be normally required in a conventional zoning district, such as the current CN Commercial district. The second floor of the proposed addition will be completely restricted to storage use and so no parking is required to support that building area.

Parking

The parking section of the Zoning Ordinance normally considers the usable floor area of the building to be 85% of the gross floor area of a building, which allows for a nominal amount of floor space not dedicated to the primary use. In this case, nearly 50% of the floor area will be dedicated to storage and not accessible to shoppers. It is staff's opinion the PD Zoning is an appropriate tool in this situation, where Zoning Ordinance regulations do not reflect the unique situation of a particular use.

Parking will be provided for the shopping area per Zoning Ordinance retail standards, which are normally one parking space per 200 square feet of floor area. A total of 44 parking stalls will be provided. Floor area is normally defined as 85% of the gross floor area of a building. In this case, the floor area of the building being considered for parking is 85% of the non-storage area of the market.

Demolition and redevelopment

The existing configuration of the site and building would not be supported as a new development proposal under current standards and requirements. The site access, building and parking orientation and location, and lack of a perimeter-landscaping setback do not conform to the Commercial Design Guidelines and would not be approved as built. Staff recognizes that the proposed project attempts to make the best of the existing development without total site clearance and reconstruction. However, it is also appropriate that at some point this nonconforming development should be brought into conformance with current standards.

For this reason, the Planned Development rezoning requires that if the addition to the existing building requires substantial reconstruction of the existing exterior walls to the point of constituting demolition, then the applicant will be required to demolish the existing market and construct an entirely new development. The new development will be required to conform to the development standards and regulations of the CP Commercial Pedestrian Zoning District. The development standards for the CP District include a maximum 10-foot front setback. As a relatively large corner lot, where both street sides of the lot are greater than 150 feet in length, the lot is considered to have two front setbacks. Therefore any new development would occur at the southwestern corner of the property, near the Tenth and Keyes intersection. Redevelopment at the corner with little or no setback to the building would be in keeping with the urban character of the area and the planned evolution of Keyes Street.

For the purposes of this Planned Development Rezoning, redevelopment includes any proposal that would be considered a demolition under the Zoning Ordinance. Under the Zoning Ordinance, a building is considered demolished when more than 50% of the walls of a building are removed. The remaining walls must be contiguous to be counted towards the 50% minimum.

In this case, the applicant is proposing to retain approximately 60% of the walls of the existing building. The one area of concern is along the north side of the building, where an existing storage area is being removed. The applicant has stated to staff that the storage area is a non-structural part of the building, and that the load-bearing wall is actually behind the outer edge of the building. The north, west, and a majority of the south wall will be retained as a part of the proposal. Repainting and resurfacing of the existing walls is allowed. Removal and reconstruction of the existing walls to increase their load-bearing capacity would be considered a demolition under the Zoning Ordinance.

Outdoor Seating

During the neighborhood meeting, neighbors asked for outdoor seating in front of the proposed building. Nominal outdoor seating on private property is typically allowed for retail uses, and the applicant would not have to provide parking for any outdoor seating, as long as the seating is uncovered and temporary. Temporary seating is defined as seating that is readily movable, and is normally brought indoors at the end of the business day.

Demolition of Existing Residences

As a part of this proposal, two houses are proposed for demolition. Both houses are greater than 50 years old, and therefore were investigated by staff for historic significance. Planning staff has performed preliminary research on the two houses proposed for demolition. Neither house is associated with events or people who played important roles in the history or development of the City of San Jose. Both residences are in fair to poor shape. In sum, neither residence has enough merit from its associations with people or events in the San Jose history, or merits as a structure to warrant inclusion on the City's Historic Resources Inventory.

Combination of Adjoining Parcels

This proposal includes expansion of the existing building across an existing parcel line. In order to be in compliance with the Uniform Building Code, the applicant will have to combine the parcels through a lot line adjustment or parcel map as a part of the proposed development.

COMMUNITY OUTREACH

A public hearing notice for the project was published in a local newspaper and mailed to all property owners and tenants within 500 feet of the subject site. The project applicant also gave a presentation at a noticed community meeting on June 27, 2002, where neighborhood comments, as described above, were received by the Planning Department.

RECOMMENDATION

Planning staff recommends the Planning Commission forward a recommendation of approval and the City Council adopt an ordinance rezoning the subject site for the following reasons:

1. The market site has a designation of General Commercial on the adopted San Jose 2020 General Plan Land Use/Transportation Diagram and the project is consistent with that designation.
2. The proposed addition will not result in a removal of more than 50% of the existing walls, and therefore is not considered to be a demolition for the purposes of the Zoning Ordinance. If demolition is deemed

to be necessary at a later stage, the site will be required to be cleared and redeveloped in conformance with existing standards.

3. In the event that the site is redeveloped, all projects will conform to the standards of the CP Pedestrian Commercial zoning district.
4. The proposed project meets Zoning Ordinance standards for required parking for the area of the market dedicated to retail uses.